

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

SANDRA D. CLARK,

Plaintiff,

V.

**SIEMENS VDO AUTOMOTIVE
CORPORATION,**

Defendant.

Civil Action No.: 4:05cv93

FINAL ORDER

This matter comes before the Court on defendant's Motion to Dismiss this action as a sanction for plaintiff's refusal to participate in discovery. (Docket No. 7).

The matter was referred to a United States Magistrate Judge by order of November 9, 2005, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motions.

A hearing was conducted on November 23, 2005. The United States Magistrate Judge's Report and Recommendation was filed on December 20, 2005 (Docket No. 13). The Magistrate Judge recommended that the Motion to Dismiss be granted.

By copy of the Report and Recommendation, the parties were advised of their right to file written objections thereto. The parties were further advised by Order dated December 22, 2005. Although neither party has filed objections, the Court has made a

de novo review of the record and accepts the Magistrate Judge's findings and recommendation. Accordingly, the Court ORDERS that the Motion to Dismiss be, and the same hereby is, **GRANTED** and this action is DISMISSED WITH PREJUDICE.

The parties are ADVISED that they may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within thirty (30) days from the date of this Order.

The Clerk shall forward a copy of this Final Order to all Counsel of Record.

IT IS SO ORDERED.

/s/
Walter D. Kelley, Jr.
United States District Judge

Norfolk, Virginia
January 18, 2006